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U.S. DISTRICT COURT

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2012

DISTRICT OF UTAH

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J. Preston Stieff, USB #4764
J. PRESTON STIEFF LAW OFFICES
136 East South Temple, Suite 2400
Salt Lake City, UT 84111-2221
Telephone: (801) 366-6002
Facsimile: (801) 366-6007
Email: jpslaw@qwestoffice.net

Frances Bassett (*Pro Hac Vice*)
Alvina L. Earnhart (*Pro Hac Vice*)
FREDERICKS PEEBLES & MORGAN, LLP
1900 Plaza Drive
Louisville, CO 80027
Telephone: (303) 673-9600
Facsimile: (303) 673-9155
Email: fbassett@ndnlaw.com
Email: aearnhart@ndnlaw.com

Attorneys for Defendants Ute Indian Tribe of the Uintah and Ouray Reservation; Business Committee for the Ute Tribe of the Uintah and Ouray Reservation; Tribal Court for the Ute Tribe of the Uintah and Ouray Reservation; Irene C. Cuch; Ronald J. Wopsock; Frances M. Poowegup; Stewart Pike, Sr.; Richard Jenks, Jr.; Phillip Chimburas; and Honorable Smiley Arrowchis

**UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION**

HONORABLE CLAIR M. POULSON, in his official capacity as Judge of the Duchesne County Justice Court, and DEREK DALTON,

Plaintiffs,

v.

UTE INDIAN TRIBE OF THE UNTAH and OURAY RESERVATION; et al,

Defendants.

~~PROPOSED~~ ORDER

Civil No. 2:12-cv-00497-BSJ-EJF
Judge Bruce S. Jenkins
Magistrate Judge: Evelyn J. Furse

On November 6, 2012, the Court heard argument on various motions filed by the Defendants for dismissal of the Amended Complaint (Doc. 17). After considering the parties' written and oral submissions and all relevant legal authorities, the Court rules as follows:

1. The Tribal Defendants' Motion to Dismiss the Ute Indian Tribe, Business Committee of the Ute Indian Tribe, Irene C. Cuch, Ronald J. Wopsock, Frances M. Poowegup, Stewart Pike, Sr., Richard Jenks, Jr., and Phillip Chimburas (Doc. 101) from the instant matter and the Memorandum of Law in support thereof (Doc. 102), is granted. It is hereby ordered that the Motion is Granted and the Ute Indian Tribe, Business Committee of the Ute Indian Tribe, Irene C. Cuch, Ronald J. Wopsock, Frances M. Poowegup, Stewart Pike, Sr., Richard Jenks, Jr., and Phillip Chimburas are dismissed from this action; and all Parties shall bear their own costs and fees.

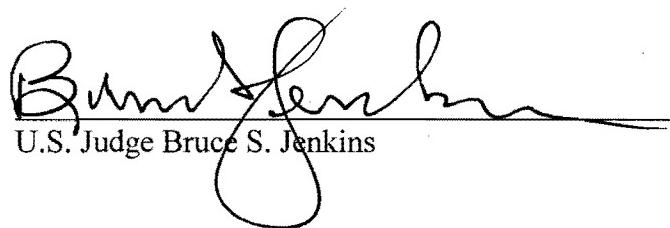
2. The Indian Defendants' Motion to Dismiss Edson Gardner, Lynda Kozlowicz, Athenya Swain and Johnny Slim (Doc. 46) from the instant matter is granted in part. Defendants Edson Gardner and Lynda Kozlowicz are dismissed from this action; Defendants Athenya Swain and Johnny Slim must submit a written Answer to the Court within 20-days from the date of this Order. All other motions filed by the Indian Defendants pending at this time are denied.

3. The Tribal Defendants' Motion to Dismiss the Tribal Court of the Ute Indian Tribe and Chief Judge Smiley Arrowchis (Doc. 98) from the instant matter and the Memorandum of Law in support thereof (Doc. 99), is denied. The Tribal Court of the Ute Indian Tribe and Chief Judge Smiley Arrowchis must submit a written Answer to the Court within 20-days from the date of this Order.

4. Defendant Dean Reed's Motion to Dismiss (Doc. 63) from the instant matter and the Memorandum of Law in support thereof (Doc. 63-1), is denied. It is hereby ordered that Defendant Dean Reed must submit a written Answer to the Court within 20-days from the date of this Order.

All parties shall bear their own costs and fees.

Dated this 9th day of November, 2012.


U.S. Judge Bruce S. Jenkins

AGREED TO AS TO FORM:

SUITTER AXLAND, PLLC

/s/

Jesse C. Trentadue
Carl F. Huefner
Noah M. Hoagland
Britton R. Butterfield
8 East Broadway, Suite 200
Salt Lake City, Utah 84111

DUCHESNE COUNTY ATTORNEY

/s/

Marea A. Doherty
Deputy Duchesne County Attorney
P.O. Box 346
Duchesne, UT 84021

Attorneys for Plaintiffs

J. PRESTON STIEFF LAW OFFICES

/s/

J. Preston Stieff, USB #4764
136 East South Temple, Suite 2400
Salt Lake City, UT 84111-2221

FREDERICKS PEEBLES & MORGAN LLP

/s/

Frances C. Bassett (*Pro Hac Vice*)
Alvina L. Earnhart (*Pro Hac Vice*)
1900 Plaza Drive
Louisville, Colorado 80027

Attorneys for Defendants Ute Indian Tribe of the Uintah and Ouray Reservation; Business Committee for the Ute Tribe of the Uintah and Ouray Reservation; Tribal Court for the Ute Tribe of the Uintah and Ouray Reservation; Irene C. Cuch; Ronald J. Wopsock; Frances M. Poowegup; Stewart Pike, Sr.; Richard Jenks, Jr.; Phillip Chimburas; and Honorable Smiley Arrowchis

KOZLOWICZ & GARDNER ADVOCATES, INC.

Edson Gardner (*Pro se*)
P.O. Box 472
Fort Duchesne, UT 84026
Defendant

Lynda Kozlowicz (*Pro se*)
P.O. Box 472
Fort Duchesne, UT 84026
Defendant